

Serial No. 10/523,512
Atty. Doc. No. 2002P13083WOUS

REMARKS

Claims 23-27, 30 and 31 have been amended, claims 28, 29, 32, and 34-42 have been canceled, and new claims 43-45 have been added. Claims 34-42 are canceled following the election. Thus, claims 23-27, 31, 33, and 43-45 are presented for examination. Applicants respectfully request allowance of the present application in view of the foregoing amendments and the remarks and arguments below.

As to new claims 43-45, support is found in the application, particularly in FIGs 5a and 5b, and the discussion thereof in paragraph numbers 55 and 56 of the corresponding published application. Elements in claim 44 are supported by FIG. 5b and discussion thereof. Further, it is noted that the term "stationary member" in claim 45 is supported in FIG. 5a, this being the structure immediately upstream (see flow direction indicated by S and arrow, 2), of the rotating profile 1, and shown as cross-hatched.

CLAIM REJECTIONS UNDER 35 USC 112

Claims 26, 27, 30 and 32 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

As to this rejection of claim 26, claim 26 has been amended to clarify that the rotation of the profiles is in countersynchronism. This is supported in the application by Fig. 4 and paragraph numbers 53 and 54 (of the publication of this US application).

As to this rejection of claim 27, claim 27 has been amended substantially and the enablement rejection is believed to not be applicable to claim 27 as amended. It is noted that efforts have been made in the claims amendments generally to avoid ambiguity as to what term an adjective modifies as that may have been the cause of this rejection, now believed moot.

As to this rejection of claim 30, claim 30 is amended to clarify the claim. Support is found, inter alia, in the last sentence of the specification.

As to this rejection of claim 32, claim 32 is canceled herein, rendering this rejection moot.

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Claim 30 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. The amendment of claim 30 is believed to clarify that there are two devices involved. As noted above, support for this is found, inter alia, in the last sentence of the specification.

Withdrawal of these rejections is respectfully requested.

CLAIM REJECTIONS UNDER 35 USC 102 AND/OR 103

Claims 23-31 and 33 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by, or, in the alternative, under 35 U.S.C. 103(a) as allegedly obvious under Graaf (DE 3343296).

Claim 23 is amended herein to claim a device comprising (with claim additions shown):

a profile having a leading and a trailing edge and arranged in a flow duct having an axis of flow direction such that the flow medium flows around the profile, and an external drive in mechanical communication with the profile and adapted to provide the profile with periodic translational movement back and forth along an axis perpendicular to the flow direction axis,

wherein the movement by the external drive upon the profile is effective to form finite edge vortices along the trailing edge during passage of flow medium in the flow duct.

Inter alia, Graaf does not teach a device in which there is translational movement back and forth along an axis perpendicular to the flow direction axis. Since this overcomes the rejection based on Graaf, and since claims 24-31 and 33 depend from now-amended claim 23, withdrawal of this rejection for all noted claims is respectfully requested.

Claim 32 stands rejected under 35 U.S.C. 103(a) as allegedly obvious under Graaf (DE 3343296) in view of Erwin 3241771. Claim 32 has been canceled, rendering this rejection moot.

It is noted that new claims 43-45 are directed to the invention in a cascade type system. As to these new claims, it is noted that neither Graaf nor Erwin teach these combination of elements, nor is there any suggestion or motivation in these references, nor in the art, to combine them to achieve the invention as claimed in new claims 43-45.

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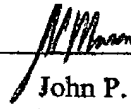
Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: _____


John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830